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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,185	12/18/2001	Arnaud Dufournier	A32631-PCT-USA-A-I	3400

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[REDACTED] EXAMINER

JOHNSTONE, ADRIENNE C

ART UNIT	PAPER NUMBER
1733	

DATE MAILED: 08/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/023,185	DUFOURNIER ET AL.	
	Examiner	Art Unit	
	Adrienne C. Johnstone	1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 June 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- 4) Claim(s) 1-11 and 33-35 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 33-35 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 December 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. 09/418,283.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group II, claims 33-35 in Paper No. 6 is acknowledged.
2. Claims 1-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.
Election was made without traverse in Paper No. 6.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/418,283, filed on October 14, 1999.

Drawings

4. The drawings are objected to for the same reasons as set forth in the Notice of Draftperson's Patent Drawing Review (PTO-948) attached to the Notice of Allowability mailed December 18, 2001 in the parent application 09/418,283. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: TIRE WITH MEANS CAPABLE OF GENERATING VIBRATING SIGNAL ON CONTACT WITH INSERT FOLLOWING PRESSURE LOSS.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 33-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants recite in claim 33 "means capable of generating a vibrating signal when said tire comes in contact with a corresponding insert following a pressure loss in said tire": it is not clear whether or not applicants intend to require the 35 U.S.C. 112, sixth paragraph "means-plus-function" claim interpretation. For purposes of this examination the claims will not be considered to require the "means-plus-function" claim interpretation, but clarification is required.

Also, in claim 34 lines 1-2 to provide proper antecedent basis applicants should change "further comprising a pressure-sensitive generator" to -- wherein said means comprises a pressure-sensitive generator -- .

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by French Patent Application 2 664 535 A1 or, alternatively, German Patent Application 36 17 381 A1.

See FR '535 p. 2 line 1 - p. 4 line 15: tire 1; run flat support surfaces 8, 9; when the tire contacts the run flat support surfaces, vibration noise warning the driver of the run flat condition is generated by either the rods 20 in the embodiment of Figure 1 or the ribs 34 in the embodiment of Figure 2 (determined through oral translation).

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Alternatively, see DE '381 abstract and figures: the wave profile of the inner surface of the tire has a wavelength λ_1 which is greater than the wavelength λ_2 of the wave profile of the outer surface of the support ring, which will necessarily generate warning vibration noise when the tire comes in contact with the support ring following pressure loss in the tire.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over French Patent Application 2 579 142 A1 optionally in view of French Patent Application 2 664 535 A1.

FR '142 discloses a tire, wheel, and safety insert assembly similar to applicants' intended assembly but wherein the at least one pressure-sensitive generator 50 is attached by any known means to the outer surface of the insert rather than the inner surface of the tire tread (p. 5 lines 6-23, p. 8 line 11 - p. 9 line 4, and p. 12 lines 2-25, determined through oral translation), it being recognized by one of ordinary skill in the art that it is notoriously well known to attach one thing to another by adhesion; however, one of ordinary skill in the art would have recognized

that the contact pressure required to activate the pressure-sensitive generator would be equally achieved if the at least one pressure-sensitive generator were instead or in addition attached to the inner surface of the tire tread. This is especially true in view of FR '535 discussed in paragraph 9 above, wherein the vibrating signal generating means were provided on the inner surface of the tire tread.

13. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over French Patent Application 2 579 142 A1 optionally in view of French Patent Application 2 664 535 A1 as applied to claims 33 and 34 above, and further in view of Snyder et al. (4,117,452).

It is well known to generate vibrating (oscillating) warning signals in tires using radio wave transmitters in order to obtain the various advantages of wireless communication, as evidenced by Snyder et al. (col. 1 line 5 - col. 2 line 62) for example. It would therefore have been obvious to one of ordinary skill in the art to use such well known radio wave signals as the warning signals generated by the at least one pressure-sensitive generator in the above tire.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adrienne C. Johnstone whose telephone number is (703)308-2059. The examiner can normally be reached on Monday-Friday, 10:00AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball can be reached on (703)308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9311 for regular communications and (703)872-9310 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

Adrienne C. Johnstone
Primary Examiner
Art Unit 1733

Adrienne Johnstone
August 9, 2003

A handwritten signature in black ink, appearing to read "Adrienne C. Johnstone".